

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JANET TAYLOR, mother of)
JOSHUA TURNER and Administrator)
of the Estate of Joshua Turner,)
Plaintiffs,)
vs.) Case No. 4:11-CV-143 (CEJ)
CORRECTIONAL MEDICAL SERVICES,)
INC., et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to compel nonparty Richard Scott, Ph.D., to produce his file on Joshua Turner and to appear for a deposition. No response has been filed, and the time allowed for doing so has expired.

Joshua Turner committed suicide while a detainee at the City of St. Louis Medium Security Institution. Prior to his death, Mr. Turner underwent a psychological evaluation performed by Dr. Scott. Plaintiff, who is Joshua Turner's mother and the administrator of his estate, served a subpoena on Dr. Scott, directing him to produce his file and appear for a deposition on June 20, 2012. Dr. Scott refused to comply with the subpoena, stating that because his evaluation was conducted at the request of the Office of the Missouri Public Defender, attorney-client privilege prevents him from providing any testimony or documents.

Plaintiff has the authority to waive the attorney-client privilege on behalf of her deceased son. Estate of Hebbeler, 875 S.W.2d 163, 168 (Mo. Ct. App. 1994) (after client's death, attorney-client privilege can be waived by representative of client).

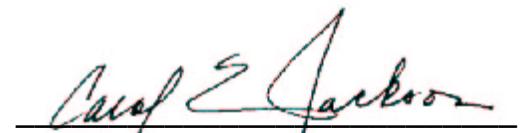
Because it is the plaintiff who is seeking the information, the privilege may be deemed waived.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [Doc. #48] is granted.

IT IS FURTHER ORDERED that, no later than August 1, 2012, Richard Scott, Ph.D., shall produce his complete file on Joshua Turner for inspection and copying by plaintiff.

IT IS FURTHER ORDERED that Richard Scott, Ph.D., shall appear for a deposition at the offices of plaintiff's counsel within thirty (30) days of the date of this order.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 18th day of July, 2012.